



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814

NOTICE OF EFFECTIVE DATE OF REVISED REGULATION

**California Code of Regulations
Title 2, Administration
Division 1, Administrative Personnel**

DATE: December 16, 1999

TO: MEMBERS OF THE GOVERNOR'S CABINET, ALL STATE AGENCIES AND
EMPLOYEE ORGANIZATIONS

SUBJECT: Disclosure of Prior Drug Use by Peace Officer Examination Candidates

This memorandum is to advise you that the proposed revision to the California Code of Regulations (CCR), as substantively described in the Board's Notice of Proposed Adoption of Regulations dated September 7, 1999, became effective on December 16, 1999. A copy of the final regulation is attached. This final regulation will be published in the CCR, Title 2, §213.5.

In summary, the revised regulation reduces the disqualification period from ten years to five for candidates applying for participation in State civil service examinations for peace officer classifications who disclose, or whose background investigation reveals, that they have feloniously used drugs at any time from age 18 through age 22. There is no change in the disqualification period for disclosed or revealed felonious drug use after the age of 22, nor for applicants who fail the drug test, regardless of age.

LAURA M. AGUILERA, Chief
Personnel Resources and Innovations Division

Attachment: Text of Revised Regulations

For this amendment, text added to the regulations is indicated by underline and text deleted from the regulations is indicated by strikethrough.

Section 213.5 is amended to read:

§ 213.5. Consequences of ~~Failing the Drug Test~~ Use.

(a) Applicants who fail the drug test pursuant to Section 213.4(h), will be disqualified from the examination in which they are competing and, except as provided by Section 213.5(e), shall not be eligible to take any state civil service examination for a class for which drug testing is required until one year has elapsed from the date the drug test specimen is given.

(b) Except as provided by Section 213.5(e), applicants who fail the drug test because of a drug for which possession would constitute a felony offense under the Uniform Controlled Substances Act (Health and Safety Code, division 10, beginning at 11000) shall not be eligible to take any State civil service examination for a peace officer class until ten years have elapsed from the date the drug test specimen is given.

(c) Any applicant for a State civil service examination for a peace officer class who discloses, or whose background investigation reveals, use of a drug for which possession would constitute a felony offense under the Uniform Controlled Substances Act (Health and Safety Code, division 10, beginning at 11000) subsequent to his or her eighteenth birthday and prior to his or her twenty-third birthday, shall be disqualified from the examination in which he or she is competing ~~unless~~ until ~~40~~ 5 years have elapsed from the date of the disclosed or revealed use of the drug; and shall not be eligible to take any State civil service examination for a peace officer class until ~~40~~ 5 years have elapsed from the date of the disclosed or revealed use. If any such disclosed or revealed use occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use of the drug; and shall not be eligible to take any State civil service examination for a peace officer class until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

(d) Any applicant for a State civil service examination for a peace officer class who is disqualified from the current examination for one of the causes specified in (c) may, upon petition and with the consent of the executive officer, be permitted to ~~complete~~ compete in the current examination

and, if successful, remain on the eligible list. In acting on the request, the executive officer shall consider evidence submitted by the person of rehabilitation from drug abuse and/or extenuating circumstances regarding the drug use.

(e) Any applicant who is disqualified from taking any subsequent examination as specified in this section may, upon petition and with the consent of the executive officer, be permitted to take the specified examination. In acting on the petition, the executive officer shall consider evidence submitted by the person of rehabilitation from drug abuse and/or extenuating circumstances regarding the drug use.

Persons denied permission to take a subsequent examination within the specified one-, five-, and ten-year periods may appeal in writing to the board within 30 days of notification.

NOTE: Authority cited: Section 18701, Government Code.

Reference: Sections 1031, 18930 and 18935, Government Code; ~~and~~ Sections 11000, 11007, 11054-58, 11350, 11356 and 11377 (California Uniform Controlled Substances Act), Health and Safety Code; and Federal Public Health and Welfare Code, Title 42, Chapter 126, Section 12114(b) (Americans with Disabilities Act of 1990).